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IN RE GOOGLE PLAY STORE ANTITRUST  
LITIGATION

Case No. 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:

**DECLARATION OF JOSHUA WALKER  
IN SUPPORT OF OMNIBUS MOTION TO  
FILE UNDER SEAL**

In re Google Play Consumer Antitrust  
Litigation, Case No. 3:20-cv-05761-JD

Judge James Donato

State of Utah et al. v. Google LLC et al., Case  
No. 3:21-cv-05227-JD

## **DECLARATION OF JOSHUA WALKER**

I, Joshua Walker, declare as follows:

1. I am Chief Financial and Strategy Officer, Streaming, for Warner Bros. Discovery, Inc. (“WBD”). I joined WBD and its subsidiaries in October 2010.

2. I submit this declaration pursuant to Civil Local Rule 79-5. The contents of this declaration are based on my personal knowledge, and if called as a witness in this matter, I could and would testify thereto.

9       3.     In my current role at WBD, I oversee strategy for WBD Games, which includes  
10 game applications (“apps”) made available to consumers via the Google Play store, as well as  
11 gaming operations globally. Based on my work experience, I am familiar with the way  
12 confidential financial information is handled by WBD pertaining to its consumer-facing offerings.  
13 WBD keeps such information confidential to protect itself from potential competitive and  
14 commercial harm.

15       4. I understand that the Defendants have filed, among other things, a Motion for  
16 Leave to File a Supplemental Brief in Support of Defendants' Motion to Exclude the Merits  
17 Opinions of Dr. Hal J. Singer ("Defendants' Supplemental Motion"), which cites certain working  
18 papers ("Singer Working Papers") discussed in a supplemental Expert Report written by Dr.  
19 Singer and dated June 30, 2023. I further understand that the Singer Working Papers contain  
20 information that purportedly derives from Google's internal transactional data and documents  
21 regarding WBD's sensitive and highly confidential financial information concerning its apps  
22 made available to consumers via the Google Play store. Google's counsel has provided WBD  
23 with redacted excerpts of the Singer Working Papers, which contain WBD's confidential, highly  
24 proprietary, and competitively sensitive business information. Furthermore, I understand that the  
25 Parties will file a joint omnibus motion to seal addressing the confidentiality of information

1 included in the Defendants' Supplemental Motion, the Singer Working Papers, and other recent  
2 filings.

3 5. WBD's financial information referred to in the Singer Working Papers is sensitive  
4 and highly confidential information that could cause competitive and commercial harm to WBD  
5 if publicly released.

6 6. As an initial matter, in filing this Declaration, WBD does not confirm the  
7 accuracy and/or completeness of WBD's financial information referred to in the Singer Working  
8 Papers. As it has been explained to me, although this sensitive and highly confidential financial  
9 information concerns WBD, it purportedly is derived from Google's internal transactional data  
10 and documents. WBD lacks sufficient background information and context to verify it.

11 7. WBD is a leading global media and entertainment company that creates and  
12 distributes its portfolio of content and brands across television, film, streaming, and gaming.  
13 Maintaining the confidentiality of its financial information is as important to WBD as it is to any  
14 comparable business. As a publicly traded company, WBD is extremely mindful of the financial  
15 and business information it publicly discloses, and WBD makes such disclosures in accordance  
16 with the rules and regulations of the United States Securities and Exchange Commission. Thus,  
17 WBD has an interest in preserving the confidentiality of its information that it has not elected to  
18 publicly disclose.

19 8. The information that is redacted in the Singer Working Papers includes sensitive  
20 and highly confidential financial information of WBD, which could result in competitive harm to  
21 WBD if publicly disclosed. It is my understanding that this information relates to the service fees  
22 charged by Google for certain WBD apps that are available in the Google Play store on particular  
23 dates. These references contain highly confidential information relating to WBD's business

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1 dealings within the market. Furthermore, WBD does not otherwise publicly disclose this  
2 information.

3 9. The disclosure of this highly confidential financial information could harm WBD's  
4 business. For example, the disclosure of the service fees charged by Google for certain WBD  
5 apps that are available in the Google Play store on particular dates would allow for insight into  
6 critical terms of WBD's distribution agreements with Google and thus would create difficulties in  
7 negotiations with other app distribution platforms.

8 10. Preventing these competitive and commercial harms requires the sealing of the  
9 redacted information in the Singer Working Papers. There is no less restrictive alternative.  
10 Sealing is the only means of preserving WBD's highly confidential, non-public, and  
11 competitively sensitive information.

12 11. For all of the reasons set forth above, the excerpts from the Singer Working Papers  
13 that WBD hereby seeks to seal are as follows:

14 a. Singer Working Papers, J. Raphael Declaration in Support of the Defendants'  
15 Supplemental Motion, Exhibit F, first table, rows 3-5 and 20-23.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is  
17 true and correct and that this declaration was executed on August 1, 2023 in New York City, New  
18 York.

19 22 Respectfully submitted,

20 24 Dated: August 1, 2023

21 By:  Joshua W. Walker (Aug 1, 2023 13:57 EDT)

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